

REMARKS

Claims 15 and 16 are pending.

§ 103 Rejections

Claims 15 and 16 stand rejected under 35 USC § 103(a) as being obvious over U.S. Pat. No. 6,331,539 (Crooks) allegedly because one of ordinary skill in the art would be motivated to replace the butyl group at the 2-position with an ethyl group in Crooks' N-[4-(4-amino-2-butyl-1*H*-imidazo[4,5-*c*]quinolin-1-yl)butyl]methanesulfonamide.

This rejection is traversed. Reconsideration and removal of this rejection is respectfully requested.

In the previous response to this rejection, applicants showed that the claimed compound, N-[4-(4-amino-2-ethyl-1*H*-imidazo[4,5-*c*]quinolin-1-yl)butyl]methanesulfonamide possesses unexpectedly improved properties over Crooks' N-[4-(4-amino-2-butyl-1*H*-imidazo[4,5-*c*]quinolin-1-yl)butyl]methanesulfonamide (Crooks' compound). However, the unexpected results were not presented in the form of a Declaration and were, therefore, considered to be of no probative value. However, the Examiner indicated that if presented in a Declaration, the unexpected results would render the claims unobvious over Crooks. Accordingly, attached herewith is an Affidavit under 37 C.F.R. § 1.132 presenting the unexpected results. For completeness, the results include one additional CYTOKINE INDUCTION IN HUMAN CELLS assay experiment (3065), which was not included in the previous response because, although the results are consistent, the number of independent measurements conducted for each compound was not the same as was the case in the other experiments. The Table summaries are updated to include the additional numbers, and the Table 4, Experiment No. 3597 result is corrected from 6600 to 6660.

Applicant, therefore, respectfully submit that the 35 U.S.C. § 103(a) rejection of claims 15 and 16 has been overcome, and respectfully request that this rejection be withdrawn.

Obviousness-Type Double Patenting

Claims 15 and 16 stand rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 1-31 of U.S. Patent No. 6,331,539 for the reasons set forth in the 35 U.S.C. § 103(a) rejection of claims 15 and 16. For the reasons given in traversing the 35 U.S.C. § 103(a) rejection, Applicants respectfully request that this rejection be withdrawn.

Claims 15 and 16 stand rejected under the judicially created doctrine of obviousness-type double patenting as being allegedly unpatentable over claims 33 of previously copending Application No. 10/166,321, now U.S. Patent No. 6,825,350 for the reasons set forth in the 35 U.S.C. § 103(a) rejection of claims 15 and 16. For the reasons given in traversing the 35 U.S.C. § 103(a) rejection, Applicants respectfully request that this rejection be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is respectfully requested.

Allowance of claims 15 and 16, at an early date is solicited.

Respectfully submitted,

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